

**OFFICIAL TITLE**

AN INITIATIVE MEASURE

AMENDING SECTION 41-1604.07, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-719; AMENDING SECTION 13-703, ARIZONA REVISED STATUTES; AMENDING TITLE 13, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 40.1; AMENDING TITLE 36, CHAPTER 28.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2817.01; AMENDING SECTION 13-3419, ARIZONA REVISED STATUTES; AMENDING SECTION 31-229.02, ARIZONA REVISED STATUTES; RELATING TO EARNED RELEASE CREDITS, SENTENCING AND VICTIMS' SERVICES.

Be it enacted by the People of the State of Arizona:

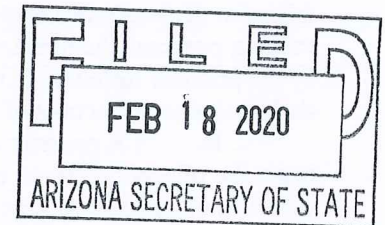
**Section 1. Short title**

This act may be cited as the "Second Chances, Rehabilitation, and Public Safety Act".

**Section 2. Findings and declaration of purpose**

The People of the State of Arizona find and declare as follows:

1. The most important goal of our corrections system is public safety. To achieve that, our criminal justice system must do more to rehabilitate people and stop the cycle of crime.
2. Best practices in reducing recidivism require a criminal justice system that holds people who commit crimes accountable and prepares them for release, gives judges discretion to impose the most appropriate sentence in each case, uses taxpayer dollars wisely and provides victims of crime with help to recover.
3. Today, there are too many people warehoused in prison for nondangerous crimes long after they are no longer a risk to public safety. Many return to communities unprepared for release and unable to contribute productively to our communities.
4. To enhance rehabilitation, ensure appropriate sentences and develop a more balanced approach to public safety that emphasizes rehabilitation and treatment where appropriate, the state should:
  - (a) Incentivize people in prison for nondangerous crimes to rehabilitate themselves prior to release through enhanced earned release credits that reduce recidivism and prepare people to become productive community members after release.
  - (b) Provide judges with discretion to impose just and appropriate sentences for nondangerous crimes, taking into account individual circumstances, rehabilitative options and input from victims.
  - (c) Avoid unjustly long and costly prison sentences for nondangerous offenses by preventing sentencing statutes intended for people who commit repeat offenses from being unjustly applied to those who do not have prior convictions and who have committed nondangerous crimes.
  - (d) Expand services for crime victims and first responders who experience violent crime to reduce unaddressed trauma.



**Section 3. Section 41-1604.07, Arizona Revised Statutes, is amended to read:**

**41-1604.07. Earned release credits; forfeiture; restoration; released prisoner health care; annual report**

A. Pursuant to rules adopted by the director, each prisoner who is in the eligible earned release credit class shall be allowed an earned release credit as set forth in subsection B of this section, including time served in county jails, except for those prisoners who are sentenced to serve the full term of imprisonment imposed by the court.

B. The earned release credit is:

1. ~~Three days for every seven days served if the prisoner:~~

(a) ~~Was sentenced to a term of imprisonment for the possession or use of marijuana pursuant to section 13-3405, subsection A, paragraph 1, the possession or use of a dangerous drug pursuant to section 13-3407, subsection A, paragraph 1, the possession or use of a narcotic drug pursuant to section 13-3408, subsection A, paragraph 1 or the possession of drug paraphernalia pursuant to section 13-3415.~~



(b) — Has successfully completed a drug treatment program or other major self-improvement program provided by the department during the prisoner's term of imprisonment.

(c) — Has not previously been convicted of a violent or aggravated felony as defined in section 13-706.

1. ONE DAY FOR EVERY DAY SERVED IF THE PRISONER IS SENTENCED TO A TERM OF IMPRISONMENT FOR A NONDANGEROUS OFFENSE.

2. One day for every six days served if the prisoner was sentenced to a term of imprisonment for an offense not listed in paragraph 1 of this subsection ANY OTHER OFFENSE.

C. Release credits earned by a prisoner pursuant to subsections A and B of this section shall not ~~reduce the term of imprisonment imposed by the court on the prisoner~~ INCREASE THE AMOUNT OF TIME THE PRISONER SERVES ON COMMUNITY SUPERVISION PURSUANT TO SECTION 13-603.

D. On reclassification of a prisoner resulting from the prisoner's failure to adhere to the rules of the department or failure to demonstrate a continual willingness to volunteer for or successfully participate in a work, educational, treatment or training program, the director may declare all OR A PORTION OF release credits earned IN THE PRIOR TWELVE MONTHS by the prisoner forfeited. In the discretion of the director, forfeited release credits may subsequently be restored. The director shall maintain an account of release credits earned by each prisoner.

E. A prisoner who has reached the prisoner's earned release date or sentence expiration date shall be released to begin the prisoner's term of community supervision imposed by the court or term of probation if the court waived community supervision pursuant to section 13-603, except that the director may deny or delay the prisoner's release to community supervision or probation if the director believes the prisoner may be a sexually violent person as defined in section 36-3701 until the screening process is complete and the director determines that the prisoner will not be referred to the county attorney pursuant to section 36-3702. If the term of community supervision is waived, the state department of corrections shall provide reasonable notice to the probation department of the scheduled release of the prisoner from confinement by the department. If the court waives community supervision, the director shall issue the prisoner an absolute discharge on the prisoner's earned release credit date. A prisoner who is released on the earned release credit date to serve a term of probation is not under the control of the state department of corrections when community supervision has been waived and the state department of corrections is not required to provide parole services.

F. — Notwithstanding subsection E of this section, a prisoner who fails to achieve functional literacy at an eighth grade literacy level shall not be released to begin the prisoner's term of community supervision until either the prisoner achieves an eighth grade functional literacy level as measured by standardized assessment testing, the prisoner is released to enter the transition program that prepares the prisoner to achieve functional literacy or the prisoner serves the full term of imprisonment imposed by the court, whichever first occurs. This subsection does not apply to inmates who either:

1. — Are unable to meet the functional literacy standard required by section 31-229.02, subsection A due to a medical, developmental or learning disability as described in section 31-229, subsection C.

2. — Are classified as level five offenders.

3. — Are foreign nationals.

4. — Have less than six months of incarceration to serve on commitment to the department.

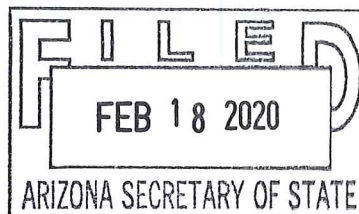
5. — Are released pursuant to subsection B, paragraph 1 of this section.

G. F. The department shall establish conditions of community supervision it deems appropriate in order to ensure that the best interests of the prisoner and the citizens of this state are served. As a condition of community supervision, the director:

1. May order a released prisoner to participate in an appropriate drug treatment or education program that is administered by a qualified agency, organization or individual approved by the department of health services and that provides treatment or education to persons who abuse controlled substances. Each person who is enrolled in a drug treatment or education program shall pay for the cost of participation in the program to the extent of the person's financial ability.

2. May order additional conditions, including participation in a rehabilitation program or counseling and performance of community restitution work.

3. Unless the prisoner is released pursuant to subsection B, paragraph 1 of this section, May order a prisoner to apply for health care benefits through the Arizona health care cost containment system before being released. The state department of corrections shall enter into an enrollment suspense agreement with the Arizona health care cost containment system to reinstate benefits for prisoners who were sentenced to twelve months or less and who were previously enrolled in the Arizona health care cost containment system immediately before incarceration. For all other prisoners, the state department of corrections shall submit a prerelease application to the Arizona health care cost containment system at least thirty days before the prisoner's release date. The state department of corrections may coordinate with community-based organizations or the department of economic security to assist prisoners in applying for enrollment in the Arizona health care cost containment system.





4. Shall impose, if the prisoner was convicted of a violation of sexual conduct with a minor under fifteen years of age or molestation of a child under fifteen years of age, a prohibition on residing within four hundred forty feet of a school or its accompanying grounds. For the purposes of this paragraph, "school" means any public, charter or private school where children attend classes.

H. G. The director may exchange a prisoner's health care information with the regional behavioral health authority or Arizona health care cost containment system justice system contact to facilitate the transition to care for released prisoners to access the full array of behavioral and physical health care services, including medication, counseling, case management, substance abuse treatment, and parenting skills and family reunification training. The director shall adopt policies and procedures that establish a care team to convene and discuss the services and resources, including housing and employment supports, that may be needed for the released prisoner to safely transition into the community. The care team shall be managed by the regional behavioral health authority or Arizona health care cost containment system contractor and may include the health care provider that is identified by and has a contract with the regional behavioral health authority or Arizona health care cost containment system contractor. The care team may also include representatives of nonprofit organizations that specialize in assisting prisoners who are transitioning back into the community and other organizations that link prisoners to additional services, including housing and employment.

I. H. If a prisoner who reaches the prisoner's earned release credit date refuses to sign and agree to abide by the conditions of supervision before release on community supervision, the prisoner shall not be released. When the prisoner reaches the sentence expiration date, the prisoner shall be released to begin the term of community supervision. If the prisoner refuses to sign and agree to abide by the conditions of release, the prisoner shall not be released on the sentence expiration date and shall serve the term of community supervision in prison. The department is required to supervise any prisoner on community supervision until the period of community supervision expires. The department may bring a prisoner who is in violation of the prisoner's terms and conditions before the board of executive clemency.

J. I. The director, pursuant to rules adopted by the department, shall authorize the release of any prisoner on the prisoner's earned release credit date to serve any consecutive term imposed on the prisoner. The release shall be for the sentence completed only. The prisoner shall remain under the custody and control of the department. The director may authorize the rescission of the release to any consecutive term if the prisoner fails to adhere to the rules of the department.

K. J. If a prisoner absconds from community supervision, any time spent before the prisoner is returned to custody is excluded in calculating the remaining period of community supervision.

L. K. A prisoner shall forfeit five days of the prisoner's earned release credits:

1. If the court finds ~~or a disciplinary hearing held after a review by and recommendations from the attorney general's office determines~~ that the prisoner does any of the following:

- (a) Brings a claim without substantial justification.
- (b) Unreasonably expands or delays a proceeding.
- (c) Testifies falsely or otherwise presents false information or material to the court.
- (d) Submits a claim that is intended solely to harass the party it is filed against.

2. For each time the prisoner tests positive for any prohibited drugs during the period of time the prisoner is incarcerated.

M. L. If the prisoner does not have five days of earned release credits, the prisoner shall forfeit the prisoner's existing earned release credits and shall be ineligible from accruing earned release credits until the number of earned release credits the prisoner would have otherwise accrued equals the difference between five days and the number of existing earned release credit days the prisoner forfeits pursuant to this section.

N. M. The director may authorize temporary release on inmate status of eligible inmates pursuant to rules adopted by the director within ninety days of any other authorized release date. The release authorization applies to any inmate who has been convicted of a drug offense, who has been determined to be eligible for participation in the transition program pursuant to section 31-281 and who has agreed to participate in the transition program.

O. ~~On admission, the department shall provide notice to any prisoner who is potentially eligible for earned release credit pursuant to subsection B, paragraph 1 of this section. The notice must include all of the eligibility requirements under this section.~~

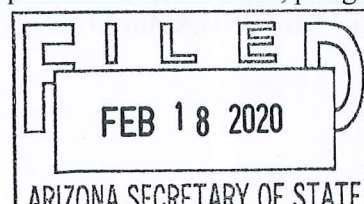
P. N. The department ~~shall~~ MAY do ~~all of~~ the following:

1. Annually report the recidivism rate of prisoners released pursuant to subsection B, ~~paragraph 1~~ of this section for a minimum of three years after release.

2. Report the following information at the end of each fiscal quarter:

(a) The number of prisoners who received earned release credits for each month of the reporting period and the percentage of the total prison population that received earned release credits.

(b) The number of prisoners who were eligible for earned release credit pursuant to subsection B, ~~paragraph 1~~ of this section and for each of these prisoners, the following information:





(i) The most serious crime for which each prisoner is receiving earned release credit.  
(ii) The mean and median length of the prison sentences.  
(iii) Whether the prisoner received earned release credits each month of the reporting period.  
(c) The number of prisoners who participated in a program that is described in subsection B, paragraph 1, subdivision (b) of this section in each month of the reporting period, including the percentage of the total prison population that has participated in those programs.

(d) The number of prisoners who are eligible for release into the transition program established pursuant to section 31-281 in each month of the reporting period and the percentage of the total prison population that is eligible for release into the transition program. For eligible prisoners, the report shall include the following information:

(i) The most serious crime for which each prisoner is serving a sentence.

(ii) The mean and median length of the prison sentences.

(iii) The mean and median length of time served by the prisoners.

(e) The number of prisoners who are enrolled in the transition program in each month of the reporting period, including the percentage of the total prison population that is enrolled in the transition program. For enrolled prisoners, the report shall include the following information:

(i) The most serious crime for which each prisoner is serving a sentence.

(ii) The mean and median length of the prison sentences.

(iii) The mean and median length of time served by the prisoners.

(f) The number of prisoners who are released into the transition program in each month of the reporting period, including the percentage of the total prison population that is released into the transition program. For released prisoners, the report shall include the following information:

(i) The most serious crime for which each prisoner is serving a sentence.

(ii) The mean and median length of the prison sentences.

(iii) The mean and median length of time that the prisoners served.

(g) The six-month success, return to custody and new conviction rates for prisoners who are released to a transition program.

(h) The one-year success, return to custody and new conviction rates for prisoners who are released to a transition program.

(i) The two-year success, return to custody and new conviction rates for prisoners who are released to a transition program.

(j) The three-year success, return to custody and new conviction rates for prisoners who are released to a transition program.

(k) The number of prisoners who received treatment for substance abuse during the first half of the prisoner's total sentence and the percentage of the total prison population that received treatment for substance abuse during the first half of the prisoners' total sentence. For prisoners who received treatment for substance abuse according to this subdivision, report shall include the following information:

(i) The most serious crime committed by each prisoner.

(ii) The mean and median length of the prison sentences.

(iii) Whether the prisoners received treatment for substance abuse each month of the reporting period.

O. FOR THE PURPOSES OF THIS SECTION, "NONDANGEROUS OFFENSE" MEANS ANY OFFENSE THAT IS NOT:

1. DETERMINED BY THE JURY OR THE COURT TO BE A DANGEROUS OFFENSE AS DEFINED IN SECTION 13-105.

2. MOLESTATION OF A CHILD AS PROSCRIBED IN SECTION 13-1410 OR A DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN SECTION 13-705.

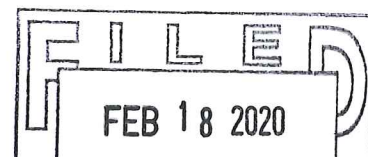
3. FIRST DEGREE MURDER AS PROSCRIBED IN SECTION 13-1105 OR SECOND DEGREE MURDER AS PROSCRIBED IN SECTION 13-1104.

4. SEXUAL ASSAULT AS PROSCRIBED IN SECTION 13-1406.

**Section 4.** Title 13, chapter 7, Arizona Revised Statutes, is amended to add section 13-719 to read:

**13-719. Reduced sentences in the interest of justice; definition**

A. NOTWITHSTANDING ANY OTHER LAW, WHEN IMPOSING A SENTENCE FOR A NONDANGEROUS OFFENSE, A COURT MAY IMPOSE ANY SENTENCE LESS THAN THE SENTENCING RANGES AND TERMS SET FORTH IN THIS TITLE IF THE COURT DETERMINES IT IS IN THE INTEREST OF JUSTICE. IN MAKING THIS DETERMINATION, A COURT MAY TAKE INTO CONSIDERATION FACTORS SUCH AS THE FACTS





AND CIRCUMSTANCES OF THE CASE, BEST PRACTICES TO REDUCE RECIDIVISM, PROPORTIONALITY AND THE INPUT OF STAKEHOLDERS SUCH AS VICTIMS, FAMILY MEMBERS AND EXPERTS WITH RELEVANT KNOWLEDGE. THE COURT'S SENTENCING DISCRETION PURSUANT TO THIS SUBSECTION INCLUDES THE ABILITY TO SUSPEND SENTENCES AND ORDER PROBATION.

B. FOR THE PURPOSES OF THIS SECTION, "NONDANGEROUS OFFENSE" HAS THE SAME MEANING PRESCRIBED IN SECTION 41-1604.07.

**Section 5.** Section 13-703, Arizona Revised Statutes, is amended to read:

**13-703. Repetitive offenders; sentencing**

~~A. If a person is convicted of multiple felony offenses that were not committed on the same occasion but that either are consolidated for trial purposes or are not historical prior felony convictions, the person shall be sentenced as a first time felony offender pursuant to section 13-702 for the first offense, as a category one repetitive offender for the second offense, and as a category two repetitive offender for the third and subsequent offenses.~~

~~B. A.~~ Except as provided in section 13-704 or 13-705, a person shall be sentenced as a category two repetitive offender if the person is at least eighteen years of age or has been tried as an adult and stands convicted of a felony and has one historical prior felony conviction.

~~C. B.~~ Except as provided in section 13-704 or 13-705, a person shall be sentenced as a category three repetitive offender if the person is at least eighteen years of age or has been tried as an adult and stands convicted of a felony and has two or more historical prior felony convictions.

~~D. C.~~ The presumptive term set by this section may be aggravated or mitigated within the range under this section pursuant to section 13-701, subsections C, D and E.

~~E. If a person is sentenced as a category one repetitive offender pursuant to subsection A of this section and if at least two aggravating circumstances listed in section 13-701, subsection D apply or at least two mitigating circumstances listed in section 13-701, subsection E apply, the court may impose a mitigated or aggravated sentence pursuant to subsection H G of this section.~~

~~F. D.~~ If a person is sentenced as a category two repetitive offender pursuant to subsection A ~~or B~~ of this section and if at least two aggravating circumstances listed in section 13-701, subsection D apply or at least two mitigating circumstances listed in section 13-701, subsection E apply, the court may impose a mitigated or aggravated sentence pursuant to subsection ~~I~~ G of this section.

~~G. E.~~ If a person is sentenced as a category three repetitive offender pursuant to subsection ~~C~~ B of this section and at least two aggravating circumstances listed in section 13-701, subsection D or at least two mitigating circumstances listed in section 13-701, subsection E apply, the court may impose a mitigated or aggravated sentence pursuant to subsection ~~J~~ H of this section.

H. F. A category one repetitive offender shall be sentenced within the following ranges:

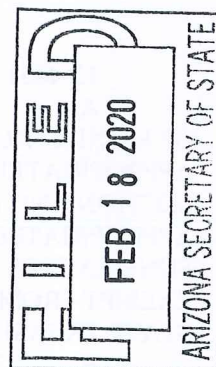
Felony	Mitigated	Minimum	Presumptive	Maximum	Aggravated
Class 2	3 years	4 years	5 years	10 years	12.5 years
Class 3	2 years	2.5 years	3.5 years	7 years	8.75 years
Class 4	1 year	1.5 years	2.5 years	3 years	3.75 years
Class 5	.5 years	.75 years	1.5 years	2 years	2.5 years
Class 6	.25 years	.5 years	1 year	1.5 years	2 years

I. G. A category two repetitive offender shall be sentenced within the following ranges:

Felony	Mitigated	Minimum	Presumptive	Maximum	Aggravated
Class 2	4.5 years	6 years	9.25 years	18.5 years	23 years
Class 3	3.25 years	4.5 years	6.5 years	13 years	16.25 years
Class 4	2.25 years	3 years	4.5 years	6 years	7.5 years
Class 5	1 year	1.5 years	2.25 years	3 years	3.75 years
Class 6	.75 years	1 year	1.75 years	2.25 years	2.75 years

J. H. A category three repetitive offender shall be sentenced within the following ranges:

Felony	Mitigated	Minimum	Presumptive	Maximum	Aggravated
Class 2	10.5 years	14 years	15.75 years	28 years	35 years
Class 3	7.5 years	10 years	11.25 years	20 years	25 years
Class 4	6 years	8 years	10 years	12 years	15 years
Class 5	3 years	4 years	5 years	6 years	7.5 years
Class 6	2.25 years	3 years	3.75 years	4.5 years	5.75 years





K. I. The aggravated or mitigated term imposed pursuant to subsection ~~H, I or J~~ F, G OR H of this section may be imposed only if at least two of the aggravating circumstances are found beyond a reasonable doubt to be true by the trier of fact or are admitted by the defendant, except that an aggravating circumstance under section 13-701, subsection D, paragraph 11 shall be found to be true by the court, or in mitigation of the crime are found to be true by the court, on any evidence or information introduced or submitted to the court or the trier of fact before sentencing or any evidence presented at trial, and factual findings and reasons in support of these findings are set forth on the record at the time of sentencing.

~~L. J.~~ Convictions for two or more offenses committed on the same occasion shall be counted as only one conviction for the purposes of subsections A AND B ~~and C~~ of this section.

~~M. K.~~ A person who has been convicted in any court outside the jurisdiction of this state of an offense that was punishable by that jurisdiction as a felony is subject to this section. A person who has been convicted as an adult of an offense punishable as a felony under the provisions of any prior code in this state or the jurisdiction in which the offense was committed is subject to this section. A person who has been convicted of a felony weapons possession violation in any court outside the jurisdiction of this state that would not be punishable as a felony under the laws of this state is not subject to this section.

~~N. L.~~ The penalties prescribed by this section shall be substituted for the penalties otherwise authorized by law if an allegation of A HISTORICAL prior FELONY conviction is charged in the indictment or information and admitted or found by the court. THE PENALTIES PRESCRIBED BY THIS SECTION FOR A HISTORICAL PRIOR FELONY CONVICTION MAY BE USED ONLY IF THE PERSON WAS CONVICTED OF AND SENTENCED FOR THE HISTORICAL PRIOR FELONY CONVICTION BEFORE THE PERSON COMMITTED THE PRESENT OFFENSE. The release provisions prescribed by this section shall not be substituted for any penalties required by the substantive offense or a provision of law that specifies a later release or completion of the sentence imposed before release. The court shall allow the allegation of a HISTORICAL prior FELONY conviction at any time before the date the case is actually tried unless the allegation is filed fewer than twenty days before the case is actually tried and the court finds on the record that the person was in fact prejudiced by the untimely filing and states the reasons for these findings. If the allegation of a HISTORICAL prior FELONY conviction is filed, the state must make available to the person a copy of any material or information obtained concerning the HISTORICAL prior FELONY conviction. The charge of previous conviction shall not be read to the jury. For the purposes of this subsection, "substantive offense" means the felony offense that the trier of fact found beyond a reasonable doubt the person committed. Substantive offense does not include allegations that, if proven, would enhance the sentence of imprisonment or fine to which the person otherwise would be subject.

~~O. M.~~ A person who is sentenced pursuant to this section is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis, except as specifically authorized by section 31-233, subsection A or B, until the sentence imposed by the court has been served, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted.

~~P. N.~~ The court shall inform all of the parties before sentencing occurs of its intent to impose an aggravated or mitigated sentence pursuant to subsection ~~H, I or J~~ F, G OR H of this section. If the court fails to inform the parties, a party waives its right to be informed unless the party timely objects at the time of sentencing.

~~Q. O.~~ The court in imposing a sentence shall consider the evidence and opinions presented by the victim or the victim's immediate family at any aggravation or mitigation proceeding or in the presentence report.

**Section 6.** Title 13, Arizona Revised Statutes, is amended by adding Chapter 40.1, to read:

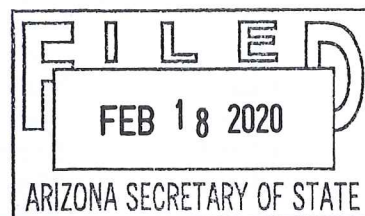
CHAPTER 40.1  
VICTIM AND FIRST RESPONDER SUPPORT SERVICES FUND

**13-4451.** Victim and first responder support services fund; exemption; distribution; definition

A. THE VICTIM AND FIRST RESPONDER SUPPORT SERVICES FUND IS ESTABLISHED CONSISTING OF MONIES TRANSFERRED PURSUANT TO SECTION 36-2817.01, PRIVATE DONATIONS, MONIES APPROPRIATED BY THE LEGISLATURE, MONIES CONTRIBUTED PURSUANT TO SUBSECTION E OF THIS SECTION AND INTEREST EARNED ON THOSE MONIES. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED. MONIES IN THE FUND AND ITS ACCOUNTS MAY NOT BE TRANSFERRED TO ANY OTHER FUND EXCEPT AS PROVIDED IN THIS SECTION, DO NOT REVERT TO THE STATE GENERAL FUND AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO THE LAPSING OF APPROPRIATIONS. THE STATE TREASURER SHALL ADMINISTER THE FUND.

B. THE STATE TREASURER MAY PRESCRIBE A FORM OR OTHER MEANS BY WHICH PRIVATE DONATIONS MAY BE EASILY DIRECTED TO THE VICTIM AND FIRST RESPONDER SUPPORT SERVICES FUND.

C. ALL MONIES IN THE VICTIM AND FIRST RESPONDER SUPPORT SERVICES FUND MUST FIRST BE SPENT, AND THE STATE TREASURER SHALL TRANSFER MONIES FROM THE FUND, TO PAY:





1. THE ACTUAL REASONABLE COSTS INCURRED BY THE ATTORNEY GENERAL TO IMPLEMENT THIS SECTION.
2. THE ACTUAL REASONABLE COSTS INCURRED BY THE STATE TREASURER TO ADMINISTER THE FUND.
3. ANY OTHER MANDATORY EXPENDITURE OF STATE REVENUES REQUIRED TO IMPLEMENT THIS SECTION.

D. ON OR BEFORE JUNE 30 AND DECEMBER 31 OF EACH YEAR, THE STATE TREASURER SHALL TRANSFER ALL MONIES IN THE VICTIM AND FIRST RESPONDER SUPPORT SERVICES FUND IN EXCESS OF THE AMOUNTS PAID PURSUANT TO SUBSECTION C OF THIS SECTION TO THE ATTORNEY GENERAL TO AWARD GRANTS TO QUALIFIED NONPROFIT ORGANIZATIONS THAT PROVIDE VICTIM SUPPORT SERVICES IN THIS STATE.

E. ANY TAXPAYER MAY MAKE A VOLUNTARY DONATION TO THE FUND BY DESIGNATING THE FUND ON AN INCOME TAX RETURN FORM FILED BY THE INDIVIDUAL OR BUSINESS ENTITY OR BY MAKING A PAYMENT DIRECTLY TO THE FUND. THE DEPARTMENT OF REVENUE SHALL PROVIDE A SPACE, IDENTIFIED AS THE VICTIM AND FIRST RESPONDER SUPPORT SERVICES FUND DONATION, ON THE FIRST PAGE OF INCOME TAX RETURN FORMS, FOR DONATIONS PURSUANT TO THIS SUBSECTION. THE DEPARTMENT OF REVENUE SHALL TRANSFER TO THE FUND ALL DONATIONS MADE PURSUANT TO THIS SUBSECTION. DONATIONS MADE PURSUANT TO THIS SUBSECTION ARE NOT TAX DEDUCTIBLE.

F. FOR THE PURPOSES OF THIS SECTION:

1. "FIRST RESPONDER" MEANS A POLICE OFFICER, FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN OR OTHER FIRST RESPONDER WHO IS IMPACTED BY A CRIME IN THE LINE OF DUTY.
2. "VICTIM" MEANS A PERSON AGAINST WHOM A CRIMINAL OFFENSE HAS BEEN COMMITTED, INCLUDING A MINOR, OR IF THE PERSON IS KILLED OR INCAPACITATED, THE PERSON'S SPOUSE, PARENT, CHILD, GRANDPARENT OR SIBLING, ANY OTHER PERSON RELATED TO THE PERSON BY CONSANGUINITY OR AFFINITY TO THE SECOND DEGREE OR ANY OTHER LAWFUL REPRESENTATIVE OF THE PERSON.
2. "VICTIM SUPPORT SERVICES" MEANS TRAUMA RECOVERY SERVICES, COMMUNITY-BASED PROGRAMS THAT PROVIDE COUNSELING, SUPPORT AND WRAP-AROUND SERVICES TO VICTIMS AND FIRST RESPONDERS IN THIS STATE.

**Section 7.** Title 36, chapter 28.1, Arizona Revised Statutes, is amended to add section 36-2817.01 to read:

**36-2817.01. Medical marijuana fund; onetime transfers**

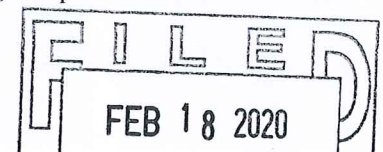
A. ON THE EFFECTIVE DATE OF THIS SECTION, THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES SHALL TRANSFER THE FOLLOWING SUMS FROM THE MEDICAL MARIJUANA FUND ESTABLISHED BY SECTION 36-2817 FOR THE FOLLOWING PURPOSES:

1. \$3,000,000 TO THE STATE DEPARTMENT OF CORRECTIONS FOR THE SOLE PURPOSE OF COVERING ADDITIONAL COSTS INCURRED BY THE DEPARTMENT AS A RESULT OF THE AMENDMENTS TO SECTION 41-1604.07 MADE BY THE SECOND CHANCES, REHABILITATION, AND PUBLIC SAFETY ACT.
2. \$1,000,000 TO THE DEPARTMENT OF REVENUE FOR THE SOLE PURPOSE OF IMPLEMENTING SECTION 13-4451, SUBSECTION E.
3. \$4,000,000 TO THE VICTIM AND FIRST RESPONDER SUPPORT SERVICES FUND ESTABLISHED BY SECTION 13-4451.
4. \$4,000,000 TO THE STATE DEPARTMENT OF CORRECTIONS FOR THE FOLLOWING PURPOSES:
  - (a) RECRUITING, HIRING AND RETAINING CORRECTIONAL SUBSTANCE ABUSE COUNSELORS, MENTAL HEALTH REENTRY COORDINATORS AND EDUCATION PROGRAM TEACHERS.
  - (b) TRAINING AND RETAINING CORRECTIONS OFFICERS TO OVERSEE AND IMPLEMENT NEW AND EXPANDED RECIDIVISM REDUCTION, DRUG ADDICTION AND EDUCATIONAL PROGRAMS UNDER SECTION 41-1604.07.

**Section 8.** Section 13-3419, Arizona Revised Statutes, is amended to read:

**13-3419. Multiple drug offenses not committed on the same occasion; sentencing**

A. ~~Except for a person convicted of possession offenses pursuant to section 13-3405, subsection A, paragraph 1, section 13-3407, subsection A, paragraph 1 or section 13-3408, subsection A, paragraph 1, a~~ A person who is convicted of two





or more offenses under this chapter PURSUANT TO SECTION 13-3409 that were not committed on the same occasion but that either are consolidated for trial purposes or are not historical prior felony convictions shall be sentenced for the second or subsequent offense pursuant to this section. The person shall not be eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted, except that a person sentenced pursuant to paragraph 1 of this subsection shall be eligible for probation. The presumptive term for paragraph 1, 2, 3 or 4 of this subsection may be aggravated under this section pursuant to section 13-701, subsections C and D. The presumptive term for paragraph 1, 2 or 3 of this subsection may be mitigated within the range under this section pursuant to section 13-701, subsections C and E. The terms are as follows:

1. For two offenses for which the aggregate amount of drugs involved in one offense or both of the offenses is less than the statutory threshold amount for the second offense:

Felony	Mitigated	Minimum	Presumptive	Maximum	Aggravated
Class 2	3 years	4 years	5 years	10 years	12.5 years
Class 3	1.8 years	2.5 years	3.5 years	7 years	8.7 years
Class 4	1.1 years	1.5 years	2.5 years	3 years	3.7 years
Class 5	.5 years	.75 years	1.5 years	2 years	2.5 years

2. For three or more offenses for which the aggregate amount of drugs involved in one offense or all of the offenses is less than the statutory threshold amount for any offense subsequent to the second offense:

Felony	Mitigated	Minimum	Presumptive	Maximum	Aggravated
Class 2	3 years	4 years	5 years	10 years	12.5 years
Class 3	1.8 years	2.5 years	3.5 years	7 years	8.7 years
Class 4	1.1 years	1.5 years	2.5 years	3 years	3.7 years
Class 5	.5 years	.75 years	1.5 years	2 years	2.5 years

3. For two offenses for which the aggregate amount of drugs involved in one offense or all of the offenses equals or exceeds the statutory threshold amount for the second offense:

Felony	Mitigated	Minimum	Presumptive	Maximum	Aggravated
Class 2	3 years	4 years	5 years	10 years	12.5 years
Class 3	1.8 years	2.5 years	3.5 years	7 years	8.7 years
Class 4	1.1 years	1.5 years	2.5 years	3 years	3.7 years
Class 5	.5 years	.75 years	1.5 years	2 years	2.5 years

4. For three or more offenses for which the aggregate amount of drugs involved in one offense or all of the offenses equals or exceeds the statutory threshold amount for any offense subsequent to the second offense:

Felony	Minimum	Presumptive	Maximum	Aggravated
Class 2	4 years	7 years	12 years	15 years
Class 3	2.5 years	5 years	9 years	11.2 years
Class 4	1.5 years	3 years	5 years	6.2 years
Class 5	.75 years	2.5 years	4 years	5 years

B. If the court increases or decreases a sentence pursuant to this section, the court shall state on the record the reasons for the increase or decrease.

C. The court shall inform all of the parties before the sentencing occurs of its intent to increase or decrease a sentence pursuant to this section. If the court fails to inform the parties, a party waives its right to be informed unless the party timely objects at the time of sentencing.

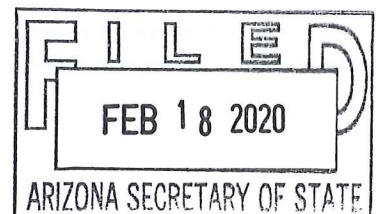
**Section 9.** Section 31-229.02, Arizona Revised Statutes, is amended to read:

**31-229.02. Functionally literate inmates; release eligibility**

A. Except as provided in section 41-1604.07, subsection F, if an inmate fails to achieve functional literacy at an eighth grade literacy level before the inmate becomes eligible for release pursuant to section 41-1604.07, the inmate is not eligible to begin the inmate's term of community supervision until either the inmate achieves an eighth grade functional literacy level as measured by standardized assessment testing or the inmate serves the full term of imprisonment imposed by the court, whichever first occurs.

B. This section does not apply to inmates who are any of the following:

1. Unable to meet the functional literacy standard required by subsection A of this section, due to a medical, developmental or learning disability as described in section 31-229, subsection C.
2. Classified as level five offenders.





3. ~~Foreign nationals.~~
4. ~~Inmates who have less than six months incarceration to serve on commitment to the department.~~
5. ~~Released pursuant to section 41-1604.07, subsection B, paragraph 1.~~

#### **Section 10. Voter protection act**

For the purposes of the Voter Protection Act, Ariz. Const. art. IV, pt. 1, section 1(6)(C), the People of the State of Arizona declare that the following acts of the Legislature would further the purpose of this act:

1. Increasing the earned release credit.
2. Expanding the scope of the Victim and First Responder Support Services Fund created by this act.

#### **Section 11. Applicability**

Notwithstanding any other law:

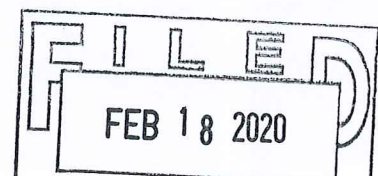
1. Section 13-703, Arizona Revised Statutes, as amended by this act, applies to conduct occurring prior to the effective date of this act that has not yet been charged or that is the subject of a pending complaint, information or indictment.
2. Section 13-3419, Arizona Revised Statutes, as amended by this act, applies to conduct occurring prior to the effective date of this act that has not yet been charged or that is the subject of a pending complaint, information or indictment
3. Section 41-1604.07, Arizona Revised Statutes, as amended by this act:
  - (a) Is effective from and after January 1, 2021.
  - (b) Applies to prisoners who are serving terms of imprisonment on and after its effective date.
4. The State Department of Corrections shall apply Section 41-1604.07, Arizona Revised Statutes, as amended by this act, to all qualifying prisoners who had earned one or more release credits before the effective date of Section 41-1604.07, Arizona Revised Statutes, as amended by this act, by recalculating the number of release credits earned by those prisoners pursuant to Section 41-1604.07, Arizona Revised Statutes, as amended by this act. The recalculation required by this paragraph shall proceed as follows:
  - (a) Not later than April 1, 2021, the Department shall recalculate the release credits earned under Section 41-1604.07 before the effective date of Section 41-1604.07, Arizona Revised Statutes, as amended by this act, for all qualifying prisoners who are serving terms of imprisonment of two and one-half years or fewer.
  - (b) Not later than July 1, 2021, the Department shall recalculate the release credits earned under Section 41-1604.07 before the effective date of Section 41-1604.07, Arizona Revised Statutes, as amended by this act, for all qualifying prisoners who are serving terms of imprisonment of more than two and one-half years but fewer than or equal to four and one-half years.
  - (c) Not later than October 1, 2021, the Department shall recalculate the release credits earned under Section 41-1604.07 before the effective date of Section 41-1604.07, Arizona Revised Statutes, as amended by this act, for all qualifying prisoners who are serving terms of imprisonment of more than four and one-half years but fewer than or equal to seven and one-half years.
  - (d) Not later than January 1, 2022, the Department shall recalculate the release credits earned under Section 41-1604.07 before the effective date of Section 41-1604.07, Arizona Revised Statutes, as amended by this act, for all qualifying prisoners who are serving terms of imprisonment of more than seven and one-half years.

#### **Section 12. Severability**

If any provision of this act or its application to any person or circumstance is declared invalid by a court of competent jurisdiction, such invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application. The invalidated provision or provisions shall be deemed reformed to the extent necessary to conform to applicable law and to give the maximum effect to the intent of this act and, to the fullest extent possible, the provisions of this act, including each portion of any section of this act containing any invalidated provision that is not itself invalid, shall be construed so as to give effect to the intent thereof.

#### **Section 13. Standing and fee shifting**

A. The People of the State of Arizona desire that this act, if approved by the voters and thereafter challenged in court, be defended by the State of Arizona. In the event that the Attorney General fails to defend this act or fails to appeal an





adverse judgment against its validity or application, in whole or in part, any resident of this state shall have standing to initiate or intervene in any action or proceeding to defend this act.

B. The court shall award fees and expenses to any resident who initiates or intervenes in, and prevails on the merits of, any action or proceeding to defend this act pursuant to subsection A of this section. For the purposes of this section, "fees and expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, report, test or project found by the court to be necessary to prepare the party's case and reasonable attorneys' fees.

